

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1301

AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-18-15-1, AS AMENDED BY P.L.216-2003, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2004]: Sec. 1. (a) A person who is the registered owner or lessee of a:

- (1) passenger motor vehicle;
- (2) motorcycle;
- (3) recreational vehicle; or
- (4) vehicle registered as a truck with a declared gross weight of not more than:
 - (A) eleven thousand (11,000) pounds;
 - (B) nine thousand (9,000) pounds; or
 - (C) seven thousand (7,000) pounds;

registered with the bureau or who makes an application for an original registration or renewal registration of a vehicle may apply to the bureau for a personalized license plate to be affixed to the vehicle for which registration is sought instead of the regular license plate.

- (b) A person who:
- (1) is the registered owner or lessee of a vehicle described in subsection (a); and
 - (2) is eligible to receive a license plate for the vehicle under:
 - (A) IC 9-18-17 (prisoner of war license plates);

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- (B) IC 9-18-18 (disabled veteran license plates);
- (C) IC 9-18-19 (purple heart license plates);
- (D) IC 9-18-20 (Indiana national guard license plates);
- (E) IC 9-18-21 (Indiana guard reserve license plates);
- (F) IC 9-18-22 (license plates for persons with disabilities);
- (G) IC 9-18-23 (amateur radio operator license plates);
- (H) IC 9-18-24 (civic event license plates);
- (I) IC 9-18-25 (special group recognition license plates);
- (J) IC 9-18-29 (environmental license plates);
- (K) IC 9-18-30 (kids first trust license plates);
- (L) IC 9-18-31 (education license plates);
- (M) IC 9-18-32.2 (drug free Indiana trust license plates);
- (N) IC 9-18-33 (Indiana FFA trust license plates);
- (O) IC 9-18-34 (Indiana firefighter license plates);
- (P) IC 9-18-35 (Indiana food bank trust license plates);
- (Q) IC 9-18-36 (Indiana girl scouts trust license plates);
- (R) IC 9-18-37 (Indiana boy scouts trust license plates);
- (S) IC 9-18-38 (Indiana retired armed forces member license plates);
- (T) IC 9-18-39 (Indiana antique car museum trust license plates);
- (U) IC 9-18-40 (D.A.R.E. Indiana trust license plates);
- (V) IC 9-18-41 (Indiana arts trust license plates);
- (W) IC 9-18-42 (Indiana health trust license plates);
- (X) IC 9-18-43 (Indiana mental health trust license plates);
- (Y) IC 9-18-44 (Indiana Native American Trust license plates);
- (Z) IC 9-18-45.8 (Pearl Harbor survivor license plates); or
- (AA) IC 9-18-46.2 (Indiana state educational institution trust license plates);
- (BB) IC 9-18-47 (Lewis and Clark bicentennial license plates); or**
- (CC) IC 9-18-48 (Riley Children's Foundation license plates);**

may apply to the bureau for a personalized license plate to be affixed to the vehicle for which registration is sought instead of the regular special recognition license plate.

SECTION 2. IC 9-18-25-17.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 17.5. (a) This section applies to a special group if at least five thousand (5,000) of the special group's license plates are issued under this chapter during one (1) calendar**



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year beginning after December 31, 2004.

(b) Notwithstanding section 3 of this chapter, the representatives of the special group may petition the bureau to design a distinctive license plate that identifies a vehicle as being registered to a person who is a member of the special group.

(c) The design of the special group license plate must include a basic design for the special group recognition license plate with consecutive numerals or letters, or both, to properly identify the vehicle.

(d) A special group license plate must be treated with special reflective material designed to increase the visibility and legibility of the special group license plate.

(e) Beginning with the calendar year following the year in which the representatives petition the bureau under subsection (b), the bureau shall issue the special group's license plate to a person who is eligible to register a vehicle under this title who:

- (1) completes an application for the license plate; and
- (2) pays the following fees:
 - (A) The appropriate fee under IC 9-29-5-38(a).
 - (B) An annual fee of twenty-five dollars (\$25).

(f) The annual fee referred to in subsection (e)(2)(B) shall be collected by the bureau and deposited in a trust fund for the special group established under subsection (g). However, the bureau shall retain two dollars (\$2) for each license plate issued until the cost of designing and issuing the special group license plate is recovered by the bureau.

(g) The treasurer of state shall establish a trust fund for each special group for which the bureau collects fees under this section.

(h) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(i) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(j) On June 30 of each year, the commissioner shall distribute the money from the fund to the special group for which the bureau has collected fees under this section.

(k) The bureau may not disclose information that identifies the persons to whom special group license plates have been issued

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under this section to the special group.

SECTION 3. IC 9-18-47 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 47. Lewis and Clark Bicentennial License Plates

Sec. 1. The bureau shall design and issue a Lewis and Clark bicentennial license plate. The Lewis and Clark bicentennial license plate shall be designed and issued as a special group recognition license plate under IC 9-18-25.

Sec. 2. After January 1, 2005, a person who is eligible to register a vehicle under this title is eligible to receive a Lewis and Clark bicentennial license plate under this chapter upon doing the following:

- (1) Completing an application for a Lewis and Clark bicentennial license plate.**
- (2) Paying the fees under section 3 of this chapter.**

Sec. 3. (a) The fees for a Lewis and Clark bicentennial license plate are as follows:

- (1) The appropriate fee under IC 9-29-5-38(a).**
- (2) An annual fee of twenty-five dollars (\$25).**
- (b) The annual fee described in subsection (a)(2) shall be collected by the bureau.**
- (c) The annual fee described in subsection (a)(2) shall be deposited in the Lewis and Clark bicentennial fund established by section 4 of this chapter.**

Sec. 4. (a) The Lewis and Clark bicentennial fund is established.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section.

(c) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(d) The commissioner shall monthly distribute the money from the fund to the Lewis and Clark bicentennial commission established by IC 14-20-15.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 4. IC 9-18-48 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 48. Riley Children's Foundation License Plates

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Sec. 1. The bureau shall design and issue a Riley Children's Foundation license plate. The Riley Children's Foundation license plate shall be designed and issued as a special group recognition license plate under IC 9-18-25.

Sec. 2. After January 1, 2005, a person who is eligible to register a vehicle under this title is eligible to receive a Riley Children's Foundation license plate under this chapter upon doing the following:

- (1) Completing an application for a Riley Children's Foundation license plate.**
- (2) Paying the fees under section 3 of this chapter.**

Sec. 3. (a) The fees for a Riley Children's Foundation license plate are as follows:

- (1) The appropriate fee under IC 9-29-5-38(a).**
- (2) An annual fee of twenty-five dollars (\$25).**

(b) The annual fee described in subsection (a)(2) shall be collected by the bureau.

(c) The annual fee described in subsection (a)(2) shall be deposited in the Riley Children's Foundation trust fund established by section 4 of this chapter.

Sec. 4. (a) The Riley Children's Foundation trust fund is established.

(b) The treasurer of state shall invest the money in the Riley Children's Foundation trust fund not currently needed to meet the obligations of the Riley Children's Foundation trust fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the Riley Children's Foundation trust fund. Money in the fund is continuously appropriated for the purposes of this section.

(c) The commissioner shall administer the Riley Children's Foundation trust fund. Expenses of administering the Riley Children's Foundation trust fund shall be paid from money in the Riley Children's Foundation trust fund.

(d) On June 30 of each year, the commissioner shall distribute the money from the Riley Children's Foundation trust fund to the Riley Children's Foundation.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 5. IC 14-20-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 15. Lewis and Clark Bicentennial Commission

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Sec. 1. As used in this chapter, "bicentennial" refers to the bicentennial of the Lewis and Clark expedition.

Sec. 2. As used in this chapter, "commission" refers to the Lewis and Clark bicentennial commission established by section 3 of this chapter.

Sec. 3. The Lewis and Clark bicentennial commission is established.

Sec. 4. The commission consists of the following members:

(1) Six (6) members of the house of representatives, to be appointed by the speaker of the house of representatives. Not more than three (3) members appointed under this subdivision may be members of the same political party.

(2) Six (6) members of the senate, to be appointed by the president pro tempore of the senate. Not more than three (3) members appointed under this subdivision may be members of the same political party.

(3) The governor or the governor's designee.

(4) The director of the department of natural resources or the director's designee.

(5) One (1) employee of the department of commerce with expertise in the tourism or film industry, to be designated by the lieutenant governor.

(6) One (1) member of the Indiana historical society, to be appointed by the governor.

(7) Three (3) Indiana citizens, to be appointed by the governor. Not more than two (2) members appointed under this subdivision may be members of the same political party.

Sec. 5. The governor or the governor's designee shall act as the chair of the commission.

Sec. 6. The commission may do the following:

(1) Educate Indiana residents and the nation about Indiana's important role in the Lewis and Clark expedition.

(2) Assist local governments and organizations with planning, preparation, and grant applications for bicentennial events and projects.

(3) Coordinate state, local, and nonprofit organizations' bicentennial activities occurring in Indiana.

(4) Act as a point of contact for national bicentennial organizations wishing to distribute information to state and local groups about grant opportunities, meetings, and national events.

(5) Plan and implement appropriate events to commemorate

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the bicentennial.

(6) Seek federal grants and philanthropic support for bicentennial activities.

(7) Perform other duties necessary to highlight Indiana's role in the Lewis and Clark expedition.

(8) Recommend the establishment of a nonprofit corporation under section 7 of this chapter.

(9) Transfer funds received under IC 9-18-47 and other property to a nonprofit corporation established under section 7 of this chapter.

Sec. 7. (a) The commission may recommend the establishment of a nonprofit corporation under IC 23-17 that is:

- (1) tax exempt; and
- (2) historically oriented;

to assist in the duties and purposes of the commission.

(b) If a corporation is established under subsection (a), the corporation shall:

- (1) operate exclusively for the benefit of;
- (2) perform the functions of; and
- (3) carry out the purposes of;

the commission.

(c) A corporation established under this section shall submit to the commission quarterly reports of the corporation's activities during the period. The reports must include the following:

- (1) A record of the following:
 - (A) All money or other property received by the corporation as a donation, gift, devise, or bequest.
 - (B) The conditions attached to the donation, gift, devise, or bequest, if any.
- (2) A record of all expenditures by the corporation during the period and the purposes of each expenditure.
- (3) A statement of activities the corporation anticipates undertaking during the following period.

(d) The corporation established under this section is subject to audit by the state board of accounts.

Sec. 8. The department of natural resources shall staff the commission.

Sec. 9. The expenses of the commission shall be paid from the money transferred to the commission from the Lewis and Clark bicentennial fund established by IC 9-18-47.

Sec. 10. (a) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by

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IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council.

Sec. 11. (a) Each member of the commission who is a member of the general assembly is a nonvoting member.

(b) The affirmative votes of a majority of the voting members appointed to the commission are required for the commission to take action on any measure, including final reports.

(c) A member of the commission serves at the pleasure of the person who appointed the member.

Sec. 12. The commission may establish a citizen advisory board to assist the commission in implementing this chapter. If the commission establishes a citizen advisory board under this section, the following apply:

- (1) The board consists of the following members:
 - (A) Not more than seven (7) citizens appointed by the speaker of the house of representatives.
 - (B) Not more than seven (7) citizens appointed by the president pro tempore of the senate.
 - (C) Not more than seven (7) citizens appointed by the governor.
- (2) The board has the duties determined by the commission.

Sec. 13. (a) Money acquired by the commission is subject to Indiana law concerning the deposit and safekeeping of public money.

(b) The money of the commission and the accounts of each officer, employee, or other person entrusted by law with the raising, disposition, or expenditure of the money or part of the

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money is subject to the following:

(1) Examination by the state board of accounts.

(2) The same penalties and the same provision for publicity that are provided by law for state money and state officers.

SECTION 6. [EFFECTIVE UPON PASSAGE] P.L.7-2001 IS REPEALED.

SECTION 7. [EFFECTIVE UPON PASSAGE] (a) **The Lewis and Clark bicentennial commission established by this act is the successor in interest to all property, rights, contracts, liabilities, obligations, and duties of the Lewis and Clark bicentennial commission established by P.L.7-2001.**

(b) **A member of Lewis and Clark bicentennial commission established by P.L.7-2001 becomes a member of the Lewis and Clark bicentennial commission established by this act without reappointment by the appointing authority. However, the member continues to serve on the commission at the pleasure of the appointing authority.**

SECTION 8. **An emergency is declared for this act.**

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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